

IN THE UNITED STATES DISTRICT
COURT EASTERN DISTRICT OF
WISCONSIN

The ESTATE OF SYLVILLE K. SMITH, by)	
Personal Representative Mildred Haynes,)	No. 17-cv-862
Patrick Smith, and Mildred Haynes, on her)	
own behalf,)	
)	
Plaintiffs,)	JURY TRIAL DEMANDED
)	
v.)	
)	
CITY OF MILWAUKEE, WISCONSIN)	
and DOMINIQUE HEAGGAN-BROWN,)	
)	
Defendants.)	

EXHIBIT 9

Requirements for Use of Force Outliers

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MILWAUKEE POLICE DEPARTMENT MEMORANDUM

Date: July 3, 2014

TO: Captains and Lieutenants of Police

FR: Michael J. BRUNSON
Deputy Inspector of Police



RE: Requirements for Use of Force Outliers

Effective immediately, a member who has been identified as a department outlier by the Use of Force Committee, and is assigned to squad patrol duties, shall in all instances, be assigned to a vehicle equipped with a functioning MDVR system. Additionally, the member shall deploy the corresponding microphone as prescribed in the MDVR SOP (730). The only exception to this directive is if the outlier is assigned to a bicycle, foot patrol, or some other detail for which an MDVR is not available. In the event that the department deploys body cameras, outliers will be required to utilize the equipment daily.

Work locations that have outliers assigned will be notified by the committee. Once that notification is made, the captain or the member's shift commander will meet with the member to notify him/her that they are an outlier and of the requirements contained in this memorandum. A memorandum documenting this meeting will be completed by the captain or shift commander conducting the meeting. The captain or shift commander will be required to sign, date, and forward the memorandum to the Internal Affairs Division. A template memorandum will be provided.

An outlier is defined as a department member who has a certain number (x) of use of force incidents which are at least 3 standard deviations above the average number of use of force incidents department-wide over a 6-month or 1-year period. Certain types of force will be excluded from the number of incidents (i.e. euthanization of animals).

In addition all use of force incidents involving outliers will be thoroughly reviewed by the Use of Force Committee. For cases in which training is appropriate, the committee will notify that member's commanding officer.

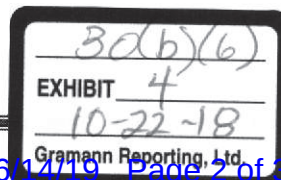
Shift commanders who have an outlier assigned to their shift will be required to conduct a debrief with the outlier after every successive use of force incident.

Commanding officers, shift commanders and sergeants assigned to the respective work locations will be held accountable for ensuring that they and the member comply with these directives.

Members will remain in the outlier status for 6 months after their designation as such. There will be a bi-annual review and outliers can be removed from the list if their use of force incidents decline below the above definition. The exception to this is if the member's commanding officer and/or the Use of Force Committee deem that the member should remain an outlier due to a high historical use of force pattern.

These requirements will be codified in SOP in the near future.

Any questions may be directed to Sergeant Michelle PAGAN or me of the Internal Affairs Division at extension 7939.



MPD-DHB017411

MILWAUKEE POLICE DEPARTMENT MEMORANDUM



Date:

TO:

FR:

RE: Use of Force Outlier Status Meeting with Police Officer _____

On _____, I, Captain/Lieutenant _____, met with Police Officer _____ regarding his/her status as an "outlier" as defined by the Use of Force Committee.

During this meeting, I advised the member that his/her status as an outlier is based upon involvement in significantly more force incidents than his/her peers.

I instructed the member of the following:

- A vehicle equipped with a functioning MDVR system shall be used when assigned to patrol duties, with the exception of bicycle and foot patrol, or a special assignment for which an MDVR is not available.
- The MDVR's microphone shall be used in accordance with SOP 730-MDVR.
- The member shall meet with the shift commander for a debrief following all subsequent use of force incidents in which they are involved over the next six months.

(Signature of Commanding Officer or Shift Commander)

(Date)